

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket Number: A01588 US

1714

In re application of: Chen et al.

Group Art Unit: 4731

Serial No.: 10/715,087

Examiner: Not yet assigned

Filed: 09/25/2001

For: SURFACTANT-CONTAINING
INSULATION BINDER

RECEIVED

MAIL STOP PETITION

JUN 15 2004

Commissioner for Patents

OFFICE OF PETITIONS

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION UNDER 37 CFR §§ 1.47(a) & 1.181

Sir:

Applicant, Richard Dobrowolski, hereby petitions for allowance of an oath or declaration and power of attorney in the instant application on behalf of non-signing joint inventors, Liang Chen, Jay W. Hinze, and William G. Hager. As apparent from the facts set forth below, the non-signing joint inventors listed above refuse to join in the application.

1. On October 31, 2003, Applicant's representative, Robert Stevenson, Senior Strategic Patent Counsel, Rohm and Haas Company, sent a letter, Request to Correct Inventorship under 37 CFR § 1.48, Declaration, and Statement under 37 CFR 3.73(b) were sent via Federal Express to the non-signing inventor's representative, Inger H. Eckert, Director, Intellectual Property, at Owens Corning, Science & Technology Center, 2790 Columbus Rd., Route 16, Granville, OH 43023. A copy of the letter, Request to Correct Inventorship under 37 CFR § 1.48, Declaration, Statement under 37 CFR 3.73(b), and Federal Express airbill are attached as Exhibit A. The letter set forth facts regarding inventorship of U.S. Patent Application No. 09/871,467 (hereinafter "the '467 application"), the parent application of the instant application, and the necessity to include Applicant, an employee of Rohm and Haas Company, as an inventor of the '467

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application. A request was made to complete and file the enclosed Request to Correct Inventorship under 37 CFR § 1.48 and Declaration. The letter stated that should Owens Corning refuse the request, it would be considered a refusal under 37 CFR § 1.47 to sign a declaration and a continuation application would be filed naming the correct inventors.

2. On November 14, 2003, a letter sent via facsimile was sent from Inger H. Eckert to Applicant's representative confirming receipt of the October 31, 2003 letter and asserting that the inventors listed on the '467 application were correct and therefore, Applicant would not be listed. A copy of the letter is attached as Exhibit B. Owens Corning stated that "we have no present intention to execute or file any of the papers [Request to Correct Inventorship under 37 CFR § 1.48, Declaration, and Statement under 37 CFR 3.73(b)] enclosed in your letter."

3. Applicant filed the instant application as a continuation of the '467 application on November 17, 2003 listing Liang Chen, Jay W. Hinze, William G. Hager, and Richard Dobrowolski as inventors.

4. For the instant application, a Declaration and Power of Attorney executed by Applicant were filed on March 5, 2004.

5. It is believed that Liang Chen, Jay W. Hinze, and William G. Hager are employees of Owens Corning Science & Technology Center, 2790 Columbus Rd., Route 16, Granville, OH 43023.

6. On November 26, 2003, Applicant's representative sent a letter via facsimile and U.S. mail to Inger H. Eckert enclosing the instant application and filing papers. A copy of the letter and facsimile transmission confirmation are attached as Exhibit C.

7. The last known address of Liang Chen is 7292 Halcyon Place, New Albany, OH 43054.

8. The last known address of Jay William Hinze is 1231 Howell Court, Newark, OH 43055.

9. The last known address of William Gerard Hager is 9711 Covan Drive, Westerville, OH 43082.

10. As per the correspondence between Applicant's representative and Inger H. Eckert, Inger H. Eckert represents the non-signing inventors.

Based on the foregoing, it is submitted that the non-signing joint inventors, Liang Chen, Jay W. Hinze, and William G. Hager, have refused to sign the oath or declaration and power of attorney for the instant application. Applicant respectfully requests a grant of this Petition to enable the filing of the instant application on behalf of the non-signing inventors.

The Commissioner is authorized to charge \$130.00 petition fee to Deposit Account No. 18-1850, and to charge any additional fees or credit any overpayments.

Respectfully submitted,



Robert W. Stevenson
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Date: June 10, 2004
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